



Substitute House Bill No. 6591

Public Act No. 11-214

***AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO
THE CHILD SUPPORT STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 11-4a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

Each commission, task force or committee appointed by the Governor or the General Assembly, or both, and required to report its findings and recommendations, and each state agency which submits a report to the General Assembly or any committee of the General Assembly, shall submit its report to the clerks of the Senate and the House of Representatives, and shall file with the State Librarian as many copies of such report as the commission, task force, committee or agency and the librarian jointly deem appropriate, and one copy with the Office of Legislative Research. Any report submitted pursuant to subsection (n) of section 17b-179, as amended by this act, may be in electronic form.

Sec. 2. Subsections (b) to (i), inclusive, of section 17b-179 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(b) (1) The Commissioner of Social Services shall, in the manner

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provided in section 17b-81, investigate the financial condition of the parent or parents of: (A) Any child applying for or receiving assistance under the provisions of sections 17b-807 and 17b-808 and the temporary family assistance [for needy families] program, which may be referred to as ["TANF"] "TFA" for the purposes of this section, (B) any child seeking IV-D child support enforcement services, and (C) any child committed to the care of the Commissioner of Children and Families who is receiving payments in the foster care program, and shall determine the financial liability of such parent or parents for the child.

(2) The Bureau of Child Support Enforcement may, upon notice to the obligor and obligee, redirect payments for the support of all such children to either the state of Connecticut or the present custodial party, as their interests may appear, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice. Any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice. All payments shall be distributed as required by Title IV-D of the Social Security Act.

(c) The [Connecticut] Bureau of Child Support Enforcement [Bureau] shall enter into cooperative agreements with appropriate officials of the Judicial [Department] Branch and law enforcement officials to assist in administering the child support enforcement plan and with respect to other matters of common concern in the area of child support enforcement. Officers of the Judicial [Department] Branch and law enforcement officials authorized and required to enter into cooperative agreements with the [Connecticut] Bureau of Child

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Support Enforcement [Bureau] include, but are not limited to, [the] officials of the Superior Court and the office of the Attorney General. Such cooperative agreements shall contain performance standards to address the mandatory provisions of both state and federal laws and federal regulations concerning child support.

(d) The [Connecticut] Bureau of Child Support Enforcement [Bureau] shall have authority to determine on a periodic basis whether any individuals who owe child support obligations are receiving unemployment compensation. In IV-D cases, the bureau may authorize the collection of any such obligations owed by an individual receiving unemployment compensation through an agreement with the individual or a court order pursuant to section 52-362, as amended by this act, under which a portion of the individual's unemployment compensation is withheld and forwarded to the state [agency] acting by and through the IV-D agency. As used in this section, [the term] "unemployment compensation" means any compensation payable under chapter 567, including amounts payable by the administrator of the unemployment compensation law pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

(e) The Bureau of Child Support Enforcement [Bureau] shall enter into purchase of service agreements with other state officials, departments and agencies which do not have judicial or law enforcement authority, including, but not limited to, the Commissioner of Administrative Services, to assist in administering the child support enforcement plan. The Bureau of Child Support Enforcement [Bureau] shall have authority to enter into such agreements with the Labor Commissioner and to withhold unemployment compensation pursuant to subsection (d) of this section and section 31-227.

(f) The [Connecticut] Bureau of Child Support Enforcement [Bureau] shall have the sole responsibility to make referrals to the

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federal Parent Locator Service established pursuant to 88 Stat. 2353 (1975), 42 USC 653, as amended, for the purpose of locating deserting parents.

(g) The [Connecticut] Bureau of Child Support Enforcement [Bureau] shall have the sole responsibility to make recommendations to the Governor and the General Assembly for needed program legislation to ensure implementation of Title IV-D of the Social Security Act, as amended.

(h) (1) The [Connecticut] Bureau of Child Support Enforcement [Bureau] shall provide, or arrange to provide through one or more of the state [offices] officials, departments and agencies the same services for obtaining and enforcing child support orders in cases in which children are not beneficiaries of [TANF] TFA, Medicaid or foster care as in cases where children are the beneficiaries of [such aid] TFA, Medicaid or foster care. Such services shall also be made available to residents of other states on the same terms as to residents of this state. Support services in [non-TANF support] cases other than TFA, Medicaid or foster care will be provided upon application to the [Connecticut] Bureau of Child Support Enforcement by the person seeking to enforce a child support obligation and the payment of an application fee, pursuant to the provisions of subsection (i) of this section.

(2) In addition to the application fee, the [Connecticut] Bureau of Child Support Enforcement [Bureau] may assess costs incurred for the establishment, enforcement or modification of a support order in [non-TANF] cases other than TFA, Medicaid or foster care. Such assessment shall be based on a fee schedule adopted by the Department of Social Services pursuant to chapter 54. The fee schedule to be charged in [non-TANF support] such cases shall be made available to any individual upon request. The Bureau of Child Support Enforcement [Bureau] shall adopt procedures for the notification of Superior Court

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judges and family support magistrates when a fee has been assessed upon an obligee for support services and a Superior Court judge or a family support magistrate shall order the obligor to pay any such assessment to the Bureau of Child Support Enforcement. [Bureau.] In cases where such order is not entered, the obligee shall pay an amount based on a sliding scale not to exceed the obligee's ability to pay. The Department of Social Services shall adopt such sliding scale pursuant to chapter 54.

(3) The [Connecticut] Bureau of Child Support Enforcement [Bureau] shall also, in the case of an individual who never received temporary assistance for needy families and for whom the state has collected at least five hundred dollars of support in a one-year period, impose an annual fee of twenty-five dollars for each case in which services are furnished. The annual fee shall be (A) retained by the state from the support collected on behalf of the individual, but not from the first five hundred dollars collected, (B) paid by the individual applying for the services, (C) recovered from the noncustodial parent, or (D) paid by the state.

(i) In [non-TANF] child support cases other than TFA, Medicaid or foster care, the state shall impose an application fee in an amount necessary to comply with federal law and regulations under Title IV-D of the Social Security Act, which fee shall be paid by the state. The amount of such fee shall be established by regulations adopted, in accordance with the provisions of chapter 54, by the Commissioner of Social Services and shall not exceed twenty-five dollars or such higher or lower amount as the Secretary of the Department of Health and Human Services may determine to be appropriate for any fiscal year to reflect increases or decreases in administrative costs. The court in which a child support obligation is sought to be enforced may order the obligor to reimburse the state for such application fee. Recipients of [TANF or] TFA, Medicaid [assistance] or foster care whose eligibility

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for aid is terminated shall be entitled to continuation of child support enforcement services without requiring an application or the payment of an application fee.

Sec. 3. Subsection (l) of section 17b-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(l) The [Connecticut] Bureau of Child Support Enforcement [Bureau] shall arrange to provide a single centralized automated system for the reporting of collections on all accounts established for the collection of all IV-D support orders. Such reporting shall be made available to the Family Support Magistrate Division and to all state agencies which have a cooperative agreement with the IV-D agency. [On or before October 1, 1998, such] Such automated system shall include a state case registry which complies with federal law and regulations. The state case registry shall contain information on each support order established or modified in this state.

Sec. 4. Subsection (n) of section 17b-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(n) Each year, on or before April first, the IV-D agency, in accordance with section 11-4a, as amended by this act, shall submit to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and human services an assessment report on the administration and performance of the child support enforcement program during the preceding federal fiscal year. Such report may be submitted in electronic form.

Sec. 5. Subsection (b) of section 17b-745 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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(b) Except as provided in sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, any court or family support magistrate, called upon to enforce a support order, shall insure that such order is reasonable in light of the obligor's ability to pay. Except as provided in sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, any support order entered pursuant to this section, or any support order from another jurisdiction subject to enforcement by the state of Connecticut, may be modified by motion of the party seeking such modification, including Support Enforcement Services in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, as amended by this act, upon a showing of a substantial change in the circumstances of either party or upon a showing that the final order for child support substantially deviates from the child support guidelines established pursuant to section 46b-215a, as amended by this act, unless there was a specific finding on the record that the application of the guidelines would be inequitable or inappropriate, provided the court or family support magistrate finds that the obligor or the obligee and any other interested party have received actual notice of the pendency of such motion and of the time and place of the hearing on such motion. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. In any hearing to modify any support order from another jurisdiction the court or the family support magistrate shall conduct the proceedings in accordance with [the procedure set forth in] sections 46b-213o to [46b-213q] 46b-213r, inclusive. No such support orders may be subject to retroactive modification except that the court or family support magistrate may order modification with respect to any period during which there is a pending motion for a modification of an existing support order from the date of service of notice of such pending

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motion upon the opposing party pursuant to section 52-50.

Sec. 6. Subdivision (4) of subsection (b) of section 46b-56c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(4) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order pursuant to any other provision of the general statutes authorizing the court to make an order of support for a child, subject to the provisions of sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

Sec. 7. Section 46b-62 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

In any proceeding seeking relief under the provisions of this chapter and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, 47-14g, 51-348a and 52-362, as amended by this act, the court may order either spouse or, if such proceeding concerns the custody, care, education, visitation or support of a minor child, either parent to pay the reasonable attorney's fees of the other in accordance with their respective financial abilities and the criteria set forth in section 46b-82. If, in any proceeding under this chapter and said sections, the court appoints an attorney for a minor child, the court may order the father, mother or an intervening party, individually or in any combination, to pay the reasonable fees of the attorney or may order the payment of the attorney's fees in whole or in part from the estate of the child. If the child is receiving or has received state aid or care, the compensation of the attorney shall be established and paid by the Commission on Child Protection.

Sec. 8. Subsection (c) of section 46b-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

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October 1, 2011):

(c) When one of the parties, or a child of the parties, is receiving or has received aid or care from the state under its aid to families with dependent children [program] or temporary family assistance [for needy families] program, HUSKY Plan, Part A, or [under its] foster care program as provided in Title IV-E of the Social Security Act, or [where] when one of the parties has applied for child support enforcement services under Title IV-D of the Social Security Act as provided in section 17b-179, as amended by this act, such motion to modify shall be filed with the Family Support Magistrate Division for determination in accordance with subsection (m) of section 46b-231, as amended by this act.

Sec. 9. Section 46b-130 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

The parents of a minor child for whom care or support of any kind has been provided under the provisions of this chapter shall be liable to reimburse the state for such care or support to the same extent, and under the same terms and conditions, as are the parents of recipients of public assistance. Upon receipt of foster care maintenance payments under Title IV-E of the Social Security Act by a minor child, the right of support, [present,] past, present and future, from a parent of such child shall, by this section, be assigned to the Commissioner of Children and Families, and the parents shall assist the commissioner in pursuing such support. On and after October 1, 2008, such assignment shall apply only to such support rights as accrue during the period of assistance, not to exceed the total amount of assistance provided to the child under Title IV-E. Referral by the commissioner shall promptly be made to the Bureau of Child Support Enforcement [Unit] of the Department of Social Services for pursuit of support for such minor child in accordance with the provisions of section 17b-179, as amended by this act. Any child who reimburses the state under the provisions of

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subsection (l) of section 46b-129 for any care or support such child received shall have a right of action to recover such payments from such child's parents.

Sec. 10. Subsection (a) of section 46b-168a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) In any IV-D support case, as defined in subdivision (13) of subsection (b) of section 46b-231, as amended by this act, in which the paternity of a child is at issue, or in any case in which a support enforcement agency is providing services to a petitioner in a proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, in which the paternity of a child is at issue, the IV-D agency or the support enforcement agency shall require the child and all other parties other than individuals who have good cause for refusing to cooperate or who are subject to other exceptions to submit to genetic tests which shall mean deoxyribonucleic acid tests, to be performed by a hospital, accredited laboratory, qualified physician or other qualified person designated by such agency, to determine whether or not the putative father or husband is the father of the child, upon the request of any such party, provided such request is supported by a sworn statement by the party which either (1) alleges paternity and sets forth facts establishing a reasonable possibility of the requisite sexual contact between the parties, or (2) denies paternity and sets forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

Sec. 11. Section 46b-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

No [such] petition under section 46b-160 shall be withdrawn except upon approval of a judge or in IV-D support cases as defined in subsection (b) of section 46b-231, as amended by this act, and petitions

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brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, the family support magistrate assigned to the judicial district in which the petition was brought. Any agreement of settlement, before or after a petition has been brought, other than an agreement made under the provisions of section 46b-172, as amended by this act, between the mother and putative father shall take effect only upon approval of the terms thereof by a judge of the Superior Court, or family support magistrate assigned to the judicial district in which the mother or the putative father resides and, in the case of children supported by the state or the town, on the approval of the Commissioner of Social Services or the Attorney General. When so approved, such agreements shall be binding upon all persons executing them, whether such person is a minor or an adult.

Sec. 12. Subdivision (3) of subsection (a) of section 46b-171 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(3) The court or family support magistrate may also make and enforce orders for the payment by any person named herein of past-due support for which the defendant is liable in accordance with the provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179, as amended by this act, section 17a-90, 46b-129 or 46b-130, as amended by this act, and, in IV-D cases, [and] order such person, provided such person is not incapacitated, to participate in work activities which may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t. The defendant's liability for past-due support under this subdivision shall be limited to the three years next preceding the filing of the petition.

Sec. 13. Subdivision (1) of subsection (b) of section 46b-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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(b) (1) An agreement to support the child by payment of a periodic sum until the child attains the age of eighteen years or as otherwise provided in this subsection, together with provisions for reimbursement for past-due support based upon ability to pay in accordance with the provisions of subsection (b) of section 17b-179, as amended by this act, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, as amended by this act, and reasonable expense of prosecution of the petition, when filed with and approved by a judge of the Superior Court, or in IV-D support cases and matters brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, a family support magistrate at any time, shall have the same force and effect, retroactively or prospectively in accordance with the terms of [said] the agreement, as an order of support entered by the court, and shall be enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases. If such child is unmarried and a full-time high school student, such support shall continue according to the parents' respective abilities to pay, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

Sec. 14. Subdivision (1) of subsection (c) of section 46b-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(c) (1) At any time after the signing of any acknowledgment of paternity, upon the application of any interested party, the court or any judge thereof or any family support magistrate in IV-D support cases and in matters brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, shall cause a summons, signed by such judge or family support magistrate, by the clerk of the court or by a commissioner of the Superior Court, to be issued, requiring the acknowledged father to appear in court at a time and place as determined by the clerk but not more than ninety days after the

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issuance of the summons, to show cause why the court or the family support magistrate assigned to the judicial district in IV-D support cases should not enter judgment for support of the child by payment of a periodic sum until the child attains the age of eighteen years or as otherwise provided in this subsection, together with provision for reimbursement for past-due support based upon ability to pay in accordance with the provisions of subsection (b) of section 17b-179, as amended by this act, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, as amended by this act, a provision for health coverage of the child as required by section 46b-215, as amended by this act, and reasonable expense of the action under this subsection. If such child is unmarried and a full-time high school student such support shall continue according to the parents' respective abilities to pay, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

Sec. 15. Section 46b-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

The court is authorized to establish and maintain Support Enforcement Services and such offices thereof as it determines are necessary for the proper handling of the administrative details incident to proceedings under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and may appoint such personnel as necessary for the proper administration of the nonjudicial functions of proceedings under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

Sec. 16. Section 46b-208 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

The support service investigators of Support Enforcement Services of the Superior Court shall, while acting within the scope of their duties as such, pursuant to matters under sections 46b-212 to [46b-

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213v] 46b-213w, inclusive, as amended by this act, have the powers of service and of execution of summons and orders for withholding, and the conduct of investigations.

Sec. 17. Subsection (a) of section 46b-213d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The Bureau of Child Support Enforcement [Bureau] of the Department of Social Services or its designated collection agent, and any tribunal shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The bureau, agent or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

Sec. 18. Subsection (b) of section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(b) The Attorney General of the state of Connecticut and the attorney representing a town [.] shall become a party for the interest of the state of Connecticut and such town [.] in any proceedings for support which concerns any person who is receiving or has received public assistance or care from the state or any town. The Attorney General shall represent the IV-D agency in [non-TANF] non-TFA IV-D support cases if the IV-D agency determines that such representation is required pursuant to guidelines issued by the Commissioner of Social Services.

Sec. 19. Subsection (e) of section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(e) [Any] Except as provided in sections 46b-212 to 46b-213w,

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inclusive, as amended by this act, any court or family support magistrate, called upon to enforce a support order, shall insure that such order is reasonable in light of the obligor's ability to pay. [Any] Except as provided in sections 46b-212 to 46b-213w, inclusive, as amended by this act, any support order entered pursuant to this section, or any support order from another jurisdiction subject to enforcement by the state of Connecticut, may be modified by motion of the party seeking such modification upon a showing of a substantial change in the circumstances of either party or upon a showing that such support order substantially deviates from the child support guidelines established pursuant to section 46b-215a, as amended by this act, unless there was a specific finding on the record that the application of the guidelines would be inequitable or inappropriate, provided the court or family support magistrate finds that the obligor or the obligee and any other interested party have received actual notice of the pendency of such motion and of the time and place of the hearing on such motion. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. No such support orders may be subject to retroactive modification, except that the court or family support magistrate may order modification with respect to any period during which there is a pending motion for a modification of an existing support order from the date of service of the notice of such pending motion upon the opposing party pursuant to section 52-50. In any hearing to modify any support order from another jurisdiction the court or the family support magistrate shall conduct the proceedings in accordance with [the procedure set forth in] sections 46b-213o to [46b-213q] 46b-213r, inclusive.

Sec. 20. Section 46b-215a of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The Commission for Child Support Guidelines is established to [review the] issue child support and arrearage guidelines [promulgated pursuant to section 8 of public act 85-548, to establish criteria for the establishment of guidelines] to ensure the appropriateness of criteria for the establishment of child support awards and to review and issue updated guidelines [not later than October 1, 1993, and] every four years. [thereafter. Not later than January 1, 1992, the commission shall also establish criteria and promulgate guidelines to ensure] Such guidelines shall ensure, subject to section 46b-215c, as amended by this act, that [such] current support, health care coverage, child care contribution and orders of payment on any arrearage and past due support shall be based on the income of both parents and the obligor's ability to pay. Such guidelines shall also ensure the appropriateness of periodic [payments of] payment orders on arrearages when the obligor (1) is the child's legal guardian and resides with the child, or (2) is not the child's legal guardian but has resided with the child either for at least six months immediately preceding the order of payment [of] on the arrearage or for at least six months of the twelve months immediately preceding such order. In such cases, the commission shall consider exemptions similar to those in the uniform contribution scale adopted pursuant to section 4a-12. Updated arrearage guidelines shall be issued at the same time as the child support guidelines.

(b) The commission shall consist of eleven members as follows:

(1) The Chief Court Administrator, or [his] the Chief Court Administrator's designee; [, the]

(2) The Commissioner of Social Services, or [his] the commissioner's designee; [, the]

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(3) The Attorney General, or [his] the Attorney General's designee; [
the]

(4) The chairpersons and ranking members of the joint standing committee on judiciary, or their designees; [and a]

(5) A representative of the Connecticut Bar Association, [a representative of legal services, a person who] designated by the Connecticut Bar Association; and

(6) Three members appointed by the Governor, one of whom represents an agency that delivers legal services to the poor, one of whom represents the financial concerns of child support obligors and [a representative of] one of whom represents the Permanent Commission on the Status of Women. [, all of whom shall be appointed by the Governor.]

(c) The Commissioner of Social Services shall convene the commission whenever a review is required to issue updated guidelines pursuant to subsection (a) of this section.

(d) The chairperson of the commission shall be elected by the members of the commission. A vacancy on the commission at any time shall not invalidate any actions taken by the commission during such vacancy, provided at least nine members of the commission are serving at the time of such action.

Sec. 21. Section 46b-215b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The child support and arrearage guidelines [established] issued pursuant to section 46b-215a, as amended by this act, adopted as regulations pursuant to section 46b-215c, as amended by this act, and in effect on the date of the support determination shall be considered in all determinations of child support award amounts, including any

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current support, health care coverage, child care contribution and past-due support amounts, and payment on arrearages and past-due support within the state. In all such determinations, there shall be a rebuttable presumption that the amount of such awards which resulted from the application of such guidelines is the amount [of support, including any past-due support, or payment on any arrearage or past-due support] to be ordered. A specific finding on the record that the application of the guidelines would be inequitable or inappropriate in a particular case, as determined under the deviation criteria established by the Commission for Child Support Guidelines under section 46b-215a, as amended by this act, shall be required in order to rebut the presumption in such case.

(b) In any determination pursuant to subsection (a) of this section, when a party has been determined by the Social Security Administration, or a state agency authorized to award disability benefits, to qualify for disability benefits under the federal Supplemental Security Income Program, the Social Security disability program, the state supplement to the federal Supplemental Security Income Program, or the state-administered general assistance program, parental earning capacity shall not be a basis for deviating from the presumptive support amount that results from the application of the child support guidelines to such party's income.

(c) In any proceeding for the establishment or modification of a child support award, the child support and arrearage guidelines shall be considered in addition to and not in lieu of the criteria for such awards established in sections 46b-84, 46b-86, as amended by this act, 46b-130, as amended by this act, 46b-171, as amended by this act, 46b-172, as amended by this act, 46b-215, as amended by this act, 17b-179, as amended by this act, and 17b-745, as amended by this act.

Sec. 22. Section 46b-215c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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(a) Notwithstanding the provisions of sections [46b-215] 46b-215a, as amended by this act, and 46b-215b, as amended by this act, updated child support and arrearage guidelines issued by the Commission for Child Support Guidelines pursuant to section 46b-215a, as amended by this act, shall be submitted by the commission to the standing legislative regulation review committee and adopted as regulations in accordance with the provisions of chapter 54.

(b) Nothing in this section shall affect the validity of a child support order issued pursuant to any guidelines promulgated pursuant to section 46b-215a, as amended by this act, prior to the approval of [any] such guidelines pursuant to the provisions of this section.

Sec. 23. Subsection (b) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(b) For the purposes of this section:

(1) "Chief Family Support Magistrate" means the family support magistrate designated by the Chief Court Administrator as provided in subsection (g) of this section;

(2) "Child support enforcement services" means the services provided by the IV-D agency or an agency under cooperative or purchase of service agreement therewith pursuant to Title IV-D of the Social Security Act, including, but not limited to, location; establishment of paternity; establishment, modification and enforcement of child and medical support orders and the collection and distribution of support payments;

(3) "Commissioner" means the Commissioner of Social Services or a designee or authorized representative;

(4) "Bureau of Child Support Enforcement" means a division within

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the Department of Social Services established pursuant to section 17b-179, as amended by this act;

(5) "Department" means the Department of Social Services or any bureau, division or agency of the Department of Social Services;

(6) "Family Support Magistrate Division" means a division of the Superior Court created by this section for the purpose of establishing and enforcing child and spousal support in IV-D cases and in cases brought pursuant to sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, utilizing quasi-judicial proceedings;

(7) "Family support magistrate" means a person [,] appointed as provided in subsection (f) of this section to establish and enforce child and spousal support orders;

(8) "Foster care cases" [are] means cases in which children are receiving foster care under part I of chapter 319a or part I of chapter 815t, but does not include cases in which children reside in detention facilities, forestry camps, training schools or other facilities operated primarily for the detention of children adjudicated as delinquent;

(9) "Law" [includes] means both [common and statute] statutory and common law;

(10) "Obligee" means any person to whom a duty of support is owed;

(11) "Obligor" means any person owing a duty of support;

(12) "IV-D agency" means the Bureau of Child Support Enforcement within the Department of Social Services, [created by] established pursuant to section 17b-179, as amended by this act, and authorized to administer the child support program mandated by Title IV-D of the Social Security Act;

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(13) "IV-D support cases" [are those] means cases in which the IV-D agency is providing child support enforcement services under Title IV-D of the Social Security Act [, including all] pursuant to (A) an application under subsection (h) of section 17b-179, as amended by this act, or (B) referral of a (i) temporary family assistance case under section 17b-112, which for the purposes of this section may be referred to as "TFA", (ii) a Medicaid case under section 17b-261, or (iii) a foster care [cases referred to the Bureau of Child Support Enforcement] case under section 46b-130, as amended by this act; and

(14) "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court of competent jurisdiction or another state's administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or [a child and] of the parent with whom the child is living, which provides for monetary support, health care, arrearages or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees and other relief.

Sec. 24. Subsection (f) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(f) The Family Support Magistrate Division shall include nine family support magistrates who shall be appointed by the Governor to serve in that capacity for a term of three years. A family support magistrate may be reappointed by the Governor upon completion of [his] each term of office. [by the Governor.] To be eligible for appointment, a family support magistrate must have engaged in the practice of law for five years prior to [his] appointment and shall be experienced in the field of family law. [He] The family support magistrate shall devote full time to [his] the duties [as] of a family support magistrate and shall not engage in the private practice of law. A family support magistrate

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may be removed from office by the Governor for cause.

Sec. 25. Subsection (l) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(l) The judges of the Superior Court shall adopt rules of procedure in accordance with the provisions of section 51-14 for the handling by magistrates of IV-D support cases and in cases brought pursuant to sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act. Such rules of procedure shall conform when applicable to rules adopted for the Superior Court.

Sec. 26. Subdivision (2) of subsection (m) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(2) (A) Family support magistrates shall hear and determine matters involving child and spousal support in IV-D support cases including petitions for support brought pursuant to sections 17b-81, 17b-179, as amended by this act, 17b-745, as amended by this act, and 46b-215, as amended by this act; applications for show cause orders in IV-D support cases brought pursuant to subsection (b) of section 46b-172, as amended by this act, and actions for interstate enforcement of child and spousal support and paternity under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and shall hear and determine all motions for modifications of child and spousal support in such cases.

(B) In all IV-D support cases, family support magistrates shall have the authority to order any obligor who is subject to a plan for reimbursement of past-due support and is not incapacitated [,] to participate in work activities which may include, but shall not be limited to, job search, training, work experience and participation in

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the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t.

(C) A family support magistrate shall not modify an order for periodic payment on an arrearage due the state for state assistance which has been discontinued to increase such payments, unless the family support magistrate first determines that the state has made a reasonable effort to notify the current recipient of child support, at the most current address available to the IV-D agency, of the pendency of the motion to increase such periodic arrearage payments and of the time and place of the hearing on such motion. If such recipient appears, either personally or through a representative, at such hearing, the family support magistrate shall determine whether the order in effect for child support is reasonable in relation to the current financial circumstances of the parties, prior to modifying an order increasing such periodic arrearage payments.

Sec. 27. Subsection (s) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(s) Support enforcement officers of Support Enforcement Services of the Superior Court shall:

(1) Supervise the payment of any child or spousal support order [made by a family support magistrate] in IV-D support cases and cases under sections 46b-212 to 46b-213w, inclusive, as amended by this act. Supervision of such orders is defined as the utilization of all procedures available by law to collect child or spousal support, or enforce medical support including (A) issuance and implementation of income withholdings ordered by the Superior Court or a family support magistrate pursuant to section 52-362, as amended by this act, (B) issuance of an order requiring any party to appear before a family support magistrate on an action to modify a support order pursuant to

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subdivision (4) of this subsection, (C) issuance of a capias mittimus directed to a proper officer to arrest an obligor or witness and bring such obligor or witness before a family support magistrate if such obligor or witness is served with a summons, subpoena, citation or order to appear issued by a family support magistrate, the assistant clerk of the Family Support Magistrate Division or a support enforcement officer and fails to appear, (D) if necessary, bringing an application for contempt to a family support magistrate and, in connection with such application, issuing an order requiring the obligor to appear before a family support magistrate to show cause why such obligor should not be held in contempt for failure to pay an order for child or spousal support entered by the Superior Court or a family support magistrate, and (E) issuance of a National Medical Support Notice in accordance with section 46b-88;

(2) In [non-TANF] non-TFA cases, have the authority to bring petitions for support orders pursuant to section 46b-215, as amended by this act, file agreements for support with the assistant clerk of the Family Support Magistrate Division, and bring applications for show cause orders pursuant to section 46b-172, as amended by this act, and in IV-D support cases and cases under sections 46b-212 to 46b-213w, inclusive, as amended by this act, enforce foreign support orders registered with the Family Support Magistrate Division pursuant to sections 46b-213f to 46b-213i, inclusive, and file agreements for support with the assistant clerk of the Family Support Magistrate Division;

(3) In connection with any order or agreement entered by, or filed with, the Family Support Magistrate Division, or any order entered by the Superior Court in a IV-D support case, upon order, investigate the financial situation of the parties and report findings to the family support magistrate regarding: (A) Any pending motion to modify such order or agreement; or (B) any request or application for modification of such order or agreement made by an obligee;

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(4) Review child support orders (A) in [non-TANF] non-TFA IV-D support cases (i) at the request of either parent or custodial party subject to a support order, or (ii) upon receipt of information indicating a substantial change in circumstances of any party to the support order, (B) in [TANF] TFA cases, at the request of the Bureau of Child Support Enforcement, or (C) as necessary to comply with federal requirements for the child support enforcement program mandated by Title IV-D of the Social Security Act, and initiate an action before a family support magistrate to modify such support order if it is determined upon such review that the order substantially deviates from the child support guidelines established pursuant to section 46b-215a, [or 46b-215b] as amended by this act. A requesting party under subparagraph (A)(i) or (B) of this subdivision shall have a right to such review every three years without proving a substantial change in circumstances, but more frequent reviews shall be made only if such requesting party demonstrates a substantial change in circumstances. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. In determining whether to modify a child support order based on a substantial deviation from such child support guidelines, consideration shall be given to the division of real and personal property between the parties set forth in any final decree entered pursuant to chapter 815j and the benefits accruing to the child as the result of such division. No order for periodic payment of support may be subject to retroactive modification, except that the family support magistrate may order modification with respect to any period during which there is a pending motion for modification of a support order from the date of service of notice of such pending motion to the opposing party pursuant to section 52-50.

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Sec. 28. Subsection (t) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(t) The Attorney General shall:

(1) Represent the interest of the state in all actions for child or spousal support in all cases in which the state is furnishing or has furnished aid or care to one of the parties to the action or a child of one of the parties;

(2) In interstate support enforcement under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, provide necessary legal services on behalf of the support enforcement agency in providing services to a petitioner; and

(3) Represent the IV-D agency in providing support enforcement services in [non-TANF] non-TFA IV-D support cases pursuant to sections 17b-179, as amended by this act, 17b-745, as amended by this act, and 46b-215, as amended by this act.

Sec. 29. Subsection (f) of section 52-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(f) When the other methods of service of process provided under this section or otherwise provided by law cannot be effected, in actions concerning the establishment, enforcement or modification of child support orders other than actions for dissolution of marriage, including, but not limited to, such actions under sections 17b-122, 17b-124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197, inclusive, 17b-222 to 17b-250, inclusive, 17b-256, 17b-263, 17b-340 to 17b-350, inclusive, 17b-689b, 17b-743 to 17b-747, inclusive, as amended by this act, and 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and chapters 815, 815p, 815t, 815y and 816, and

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actions to implement garnishments for support under section 52-362, as amended by this act, service of process may be made upon a party to the action by one of the following methods, provided proof of receipt of such process by such party is presented to the court in accordance with rules promulgated by the judges of the Superior Court:

(1) By certified mail to a party to the action addressed to the employer of such party. Any service of process so sent shall include on the outside envelope the words "To be delivered to the employee in accordance with subsection (f) of section 52-57". The employer shall accept any such service of process sent by certified mail and promptly deliver such certified mail to the employee; or

(2) When a party to an action under this subsection is employed by an employer with fifteen or more employees, by personal service upon an official of the employer designated as an agent to accept service of process in actions brought under this subsection. [Every] Each employer with fifteen or more employees doing business in this state shall designate an official to accept service of process for employees who are parties to such actions. The person so served shall promptly deliver such process to the employee.

Sec. 30. Subsection (a) of section 52-251d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) In any civil action to establish paternity or to establish, modify or enforce child support orders in [TANF] temporary family assistance cases pursuant to sections 17b-745, as amended by this act, 46b-86, as amended by this act, 46b-160, 46b-171, as amended by this act, 46b-172, as amended by this act, 46b-215, as amended by this act, and 46b-231, as amended by this act, the court may allow the state, when it is the prevailing party, a reasonable attorney's fee.

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Sec. 31. Subsection (n) of section 52-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(n) When a support order is issued in another state and the obligor has income subject to withholding derived in this state, such income shall be subject to withholding in accordance with the provisions of this section, upon the registration of the support order in accordance with sections 46b-213g to 46b-213j, inclusive. Notice of rights to the obligor and the obligor's right to contest such order are governed by sections 46b-213k to [46b-213m] 46b-213n, inclusive.

Sec. 32. Subsections (d) and (e) of section 52-362f of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(d) When a support order is issued in another jurisdiction and the obligor has income subject to withholding in accordance with the provisions of section 52-362, as amended by this act, Support Enforcement Services shall, upon receiving a support order of another jurisdiction with the documentation specified in this subsection from an agency of another jurisdiction, or from an obligee, an obligor or an attorney for either the obligee or obligor, file such support order and documents in the registry maintained by Support Enforcement Services. Documentation required for the entry of a support order for another jurisdiction for the purpose of withholding of income shall comply with the requirements of section [46b-213i] 46b-213h. If the documentation received by Support Enforcement Services does not conform to those requirements, Support Enforcement Services shall remedy any defect which it can without the assistance of the obligee or requesting agency or person. If Support Enforcement Services is unable to make such corrections, the requesting agency or person shall immediately be notified of the necessary additions or corrections. Support Enforcement Services shall accept the documentation required

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by this subsection as long as the substantive requirements of this subsection are met.

(e) A support order registered under subsection (d) of this section shall be enforceable by withholding in the manner and with the effect as set forth for registered support orders of another jurisdiction pursuant to section 52-362, as amended by this act. A support order from another jurisdiction filed under this section shall not be subject to modification by a court or other agency of this state except as provided in sections 46b-213o to [46b-213q] 46b-213r, inclusive. Entry of the order shall not confer jurisdiction on any court of this state for any purpose other than withholding of income.

Sec. 33. Section 52-362i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

If the court or family support magistrate finds that (1) an obligor is delinquent on payment of child support, and (2) future support payments are in jeopardy, or (3) the obligor has exhibited or expressed an intention not to pay any such support, the court or family support magistrate may order the obligor to provide a cash deposit not to exceed the amount of four times the current monthly support and arrearage obligation, to be held in escrow by the [Connecticut] Bureau of Child Support Enforcement [Bureau] or Support Enforcement Services. Any funds from such cash deposit may be disbursed by the [Connecticut] Bureau of Child Support Enforcement [Bureau] or Support Enforcement Services to the custodial parent upon a determination by said [support enforcement] bureau or Support Enforcement Services that the obligor has failed to pay the full amount of the monthly support obligation. Payment shall be in an amount that, when combined with the obligor's payment, would not exceed the monthly support obligation. Payment from such cash deposit shall not preclude a finding of delinquency during the period of time in which the obligor failed to pay current support.

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